

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

REGINALD D. WILSON,)	
)	
Plaintiff(s),)	
)	
v.)	No. 4:09CV00160 MLM
)	
TIMOTHY WILSON, et al.,)	
)	
Defendant(s).)	

MEMORANDUM AND ORDER

This matter is before the Court upon the motion of Reginald D. Wilson for leave to commence this action without prepayment of the filing fee pursuant to 28 U.S.C. § 1915. Upon consideration of the financial information provided with the motion, the Court finds that plaintiff is financially unable to pay any portion of the filing fee. As a result, plaintiff will be granted leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. Additionally, the Court has reviewed the complaint and will dismiss it pursuant to 28 U.S.C. § 1915(e)(2)(B).

28 U.S.C. § 1915(e)

Pursuant to 28 U.S.C. § 1915(e)(2)(B), the Court may dismiss a complaint filed in forma pauperis if the action is frivolous, malicious, fails to state a claim upon which relief can be granted, or seeks monetary relief against a defendant who is immune from such relief. An action is frivolous if “it lacks an arguable basis in either law or in fact.”

Neitzke v. Williams, 490 U.S. 319, 328 (1989). An action fails to state a claim upon which relief can be granted if does not plead “enough facts to state a claim to relief that is plausible on its face.” Bell Atlantic Corp. v. Twombly, 127 S. Ct. 1955, 1974 (2007).

In reviewing a pro se complaint under § 1915(e)(2)(B), the Court must give the complaint the benefit of a liberal construction. Haines v. Kerner, 404 U.S. 519, 520 (1972). The Court must also weigh all factual allegations in favor of the plaintiff, unless the facts alleged are clearly baseless. Denton v. Hernandez, 504 U.S. 25, 32-33 (1992); Scheuer v. Rhodes, 416 U.S. 232, 236 (1974).

Discussion

Plaintiff brings this action under 42 U.S.C. § 1983. Named as defendants are Timothy Wilson (Circuit Court Judge), the City of St. Louis Medium Security Institution, Correctional Medical Services, the Sheriff’s Department, Allen Scarloff (Physician), Barnes Jewish Hospital, Eugene Stubblefield (Superintendent and Safety Director of St. Louis), and Unknown Hallazzgo (Physician, CMS). The complaint seeks monetary relief.

The complaint consists solely of conclusory allegations, such as “deprivation under the color of the state and deliberate indifference/obstruction of justice/conspiracy/fraud . . .” The complaint contains no set of facts, which if proved, would

entitle plaintiff to relief. As a result, the complaint fails to state a claim upon which relief can be granted, and the Court will dismiss it pursuant to 28 U.S.C. § 1915(e).

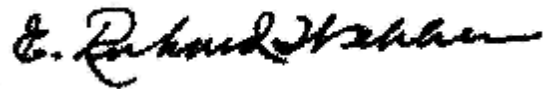
Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion to proceed in forma pauperis [Doc. #2] is **GRANTED**.

IT IS FURTHER ORDERED that the Clerk shall not issue process or cause process to issue upon the complaint because the complaint is legally frivolous or fails to state a claim upon which relief can be granted, or both.

An appropriate Order of Dismissal shall accompany this Memorandum and Order.

Dated this 18th Day of February, 2009.



E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE